IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HONOURBALE SRI JUSTICE ELIPE DHARMA RAO

W.P. No. 18055 OF 2005

Dated : 16th August, 2005

Between:

D.Ranga Reddy and another

Petitioners

AND

The Pulivendula Municipality,

Pulivendula, Cuddapah District,

Rep. By its Commissioner and two others.

Respondents

THE HONOURBALE SRI JUSTICE ELIPE DHARMA RAO

W.P. No. 18055 OF 2005

ORAL ORDER

Assailing the action of the respondents in trying to demolish portion of the premises bearing D. Nos. 1/1944 and 1/1554 Parnapalli Road, Pulivendula, Cuddapah District, as illegal and arbitrary, the petitioners filed this writ petition.

The case of the petitioners is that the first petitioner is the owners and possessors of D.No. 1/1944 while the 2nd petitioner is the owner and possessor of D. No. 1/1554 and they have been paying taxes regularly to the then Gram Panchayat. They denied the allegation in the notice that they have encroached into the Government land. While so, the first respondent Municipality, constituted in the month of May, 2005, took up widening of the road in the town and issued notices to the petitioners mentioning the area covered, for the purpose of road widening and to handover possession of the same within seven days, without notifying the area for acquisition and are threatening to demolish the portions marked by them. Therefore, the petitioners came up with this writ petition.

Heard the learned counsel for the petitioners and the learned Government Pleader for Roads and Buildings.

The issue involved in this writ petition is no more *res integra* in view of the guidelines issued by a Division Bench of this court in *Pilli Lakshmana Rao and others Vs. Executive Officer, Gram Panchayath, Challapalle and others ()*, wherein it is held that when any property is required for public purpose, the authorities straightaway cannot take the law into their hands and jump into the premises and attempt to evict the occupants or dispossess them or demolish their property. Before taking any such action, the authorities concerned shall issue a notice notifying as to the nature of the

property, the purpose for which it is required, to whom it belongs and the action proposed calling for explanation or objections, if any, from the occupants and after considering the said objections or explanation, the authorities shall pass appropriate orders.

Having regard to these guidelines, the respondents are directed to follow the guidelines issued in *Pilli Lakshmana Rao* case, if they intend to demolish the dwelling houses of the petitioners, as averred in the affidavit, if not already demolished.

With these directions, the writ petition stands disposed of. No order as to costs.

Elipe Dharma Rao, J.

August 16, 2005

MAS.